

REMARKS

This Application has been carefully reviewed in light of the Office Action transmitted May 18, 2007 (the "Office Action"). The Office Action rejects Claims 1-46. Applicants amend Claims 8 and 29. Applicants respectfully request reconsideration and favorable action in this case.

Rejections

The Office Action rejects Claims 1-3, 5-10, 12-14, 16-18 and 20-46 under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2003/0025961 to Way ("Way"). The Office Action rejects Claims 4, 11, 15 and 19 under 35 U.S.C. 103(a) as being unpatentable over *Way* in view of U.S. Patent No. 6,868,201 to Johnson ("Johnson"). Applicants respectfully traverse these rejections.

Claims 1-7, 16-22 and 23-28

Claim 1 recites an optical ring with a plurality of nodes coupled to the optical ring, the plurality of nodes comprising a hub node operable to selectively pass or terminate a plurality of individual sub-bands of the optical traffic and a plurality of sub-band nodes each operable to terminate a respective sub-band of the optical traffic. Claims 16 and 23 recite similar elements. The Office Action suggests that *Way* discloses each of these elements. *See* Office Action, page 2. Specifically, the Office Action suggests that "reference numeral 26 in Figure 6" of *Way* discloses a plurality of sub-band nodes each operable to terminate a respective sub-band of the optical traffic. Office Action, page 2. However, reference numeral 26 of Figure 6 of *Way* discloses nodes 26 each with "one or more transmitters and receivers, mux/demux and fiber coupler." *Way*, par. [0057]. The couplers merely pass and drop traffic to components at the node. There is no disclosure of sub-band nodes operable to terminate a respective sub-band of optical traffic. Therefore at least because the cited reference fails to disclose each claim element as discussed above, Applicants respectfully submit that Claims 1, 16 and 23 are patentable over the cited art used in the rejections and request that the rejections of these claims be withdrawn.

Claims 2-7 each depends from Claim 1, Claims 17-22 each depends from Claim 16 and Claims 24-28 each depends from Claim 23. Thus, for at least the reasons discussed

above with respect to Claims 1, 16 and 23, Applicants respectfully request that the rejections of Claims 2-7, 17-22 and 24-28 be withdrawn.

Claims 8-11 and 29-31

Claim 8 recites a plurality of nodes each comprising at least one transport element operable to passively add and drop one or more traffic streams, the plurality of nodes comprising a combination node comprising a coupler node transport element operable to drop and continue optical traffic passing through the coupler node transport element and a hub node transport element cascaded with the coupler node transport element and operable to selectively pass or terminate a plurality of individual sub-bands of the optical traffic. Claim 29 recites similar elements. The Office Action suggests that *Way* discloses a combination node comprising a coupler node transport element operable to drop and continue optical traffic passing through the transport element and a hub node transport element operable to selectively pass or terminate a plurality of individual sub-bands of the optical traffic. *See* Office Action, pages 3-4. The Office refers to reference numeral 166 of Figure 23 of *Way* as disclosing the hub node transport element. *See id.* However, Figure 23 does not disclose the claimed combination node because it does not disclose a hub node transport element operable to selectively pass or terminate from continuing on the optical ring a plurality of individual sub-bands. It is clear from the portion of the ring referenced as "Main Path of a Ring" in Figure 23 of *Way* that all the ring traffic still continues on the ring despite the dropping of the traffic at the couplers. Reference numeral 166 does not prevent this. Therefore, at least because the references fail to disclose each claim element as discussed above, Applicants respectfully submit that Claims 8 and 29 are patentable over the cited art used in the rejections and request that the rejections of these claims be withdrawn.

Claims 9-11 each depends from Claim 8, and Claims 30-31 each depends from Claim 29. Thus, for at least the reasons discussed above with respect to Claims 8 and 29, Applicants respectfully request that the rejections of Claims 9-11 and 30-31 be withdrawn.

Claims 12-15 and 32-34

Claim 12 recites a plurality of nodes comprising a combination node comprising a sub-band node transport element operable to terminate a respective sub-band of the optical traffic and a hub node transport element cascaded with the sub-band node transport element

and operable to selectively pass or terminate a plurality of individual sub-bands of the optical traffic. Claim 32 recites similar elements. The Office Action premises the rejections of these claims on the same disclosures used to reject Claims 1 and 8. *See* Office Action, page 2. As discussed above, reference numeral 26 of Figure 6 does not disclose a sub-band node operable to terminate a respective sub-band of optical traffic. Therefore, at least because the references fail to disclose each claim element as discussed above, Applicants respectfully submit that Claims 12 and 32 are patentable over the cited art used in the rejections and request that the rejections of these claims be withdrawn.

Claims 13-15 each depends from Claim 12, and Claims 33-34 each depends from Claim 32. Thus, for at least the reasons discussed above with respect to Claims 12 and 32, Applicants respectfully request that the rejections of Claims 13-15 and 33-34 be withdrawn.

Claims 35-46

Claim 35 recites a plurality of hub nodes operable to selectively pass or terminate a plurality of individual sub-bands of optical traffic, a plurality of sub-band nodes each operable to terminate a respective sub-band of the optical traffic and wherein the plurality of hub nodes form a plurality of photonic domains each operable to communicate different traffic streams in the same sub-bands without interference. Claim 41 recites similar elements. The Office Action suggests that *Way* discloses each of these elements. *See* Office Action, page 4. Initially, as discussed above, reference numeral 26 of Figure 6 does not disclose a sub-band node operable to terminate a respective sub-band of optical traffic.

In addition, the Office Action cites to paragraph [0071] of *Way* as disclosing the claim element wherein the plurality of hub nodes form a plurality of photonic domains each operable to communicate different traffic streams in the same sub-bands without interference. This paragraph references Figure 13 of *Way* illustrating a node that merely couples three different rings in order to facilitate sharing of wavelengths on the three rings. Neither this nor any other portion of *Way* discloses a plurality of hub nodes on the same ring forming a plurality of photonic domains on the ring each operable to communicate different traffic streams in the same sub-bands without interference.

Therefore, for at least these reasons, Applicants respectfully submit that Claims 35 and 41 are patentable over the cited art used in the rejections and request that the rejections of these claims be withdrawn.

Claims 36-40 each depends from Claim 35, and Claims 42-46 each depends from Claim 41. Thus, for at least the reasons discussed above with respect to Claims 35 and 41, Applicants respectfully request that the rejections of Claims 36-40 and 42-46 be withdrawn.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any fees due or credit any overpayments, to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

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